

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH  
SUFFICIENT POSTAGE AS FIRST-CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, D.C. 20231, ON December 19, 2002

AGENT/ATTORNEY FOR APPLICANT

DEC. 19, 2002

DATE

Attorney Docket No. B2368C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hindley, et al

December 19, 2002

Serial No.: 08/458,033

Group Art Unit: 1626

Filed: June 1, 1995

Examiner: Robert Gerstl

For: Novel Compounds

Commissioner for Patents  
Washington, DC 20231

SUBMISSION AFTER FINAL REJECTION UNDER 37 C.F.R.

§1.129(a)

In response to the final Office Action mailed on May 3, 2002  
Applicants respectfully request entry and consideration of the papers  
submitted herewith, under 37 CFR §1.129(a).

A Notice of Appeal and a Petition to extend the time for response for a  
period of three (3) months was filed on October 29, 2002.

This application is pending for at least two (2) years as of June 1, 1995,  
taking into account any reference made in this application to an earlier filed  
application under 35 U.S.C. §120, 35 U.S.C. §121, and 35 USC §365(c).

This submission is the first submission made after final rejection for  
this application.

This submission is filed prior to the filing of an appeal brief and prior  
to abandonment of the application.

The submissions being made herewith are:

- an information disclosure statement,

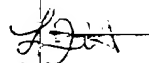
08/458,033  
filed 6/1/95

- an amendment to the claims,
- a request to correct inventorship under 37 CFR §1.48(b), and
- a terminal disclaimer under 37 CFR §1.321.

Please charge Deposit Account No. 19-2570 in the amount of \$740.00 to cover the fee required by 37 C.F.R. §1.17(r). Please charge any additional requisite fees and credit any overpayment to the same Deposit Account. A duplicate copy of this sheet is enclosed.

Having met the requirements of 37 C.F.R. §1.129(a), Applicants respectfully request withdrawal of the finality of the final rejection made in the May 3, 2002 Office Action, and consideration of the papers submitted herewith on the merits.

Respectfully submitted,



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A. DA  
AGENT/ATTORNEY FOR APPLICANT

DEC. 19, 2002

DATE

2/1/0  
1/11/01  
2/13/0

Attorney Docket No. B2368C4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hindley, et al.

Application No.: 08/458, 033

Filed: June 1, 1995

Group No.: 1626

For: Novel Compounds

Examiner: Robert Gerstl

Commissioner for Patents

Washington, DC 20231

**RESPONSE TO FINAL OFFICE ACTION**  
**SUBMITTED PURSUANT TO 37 CFR 1.129(a)**

This is responsive to the final Office Action mailed on May 3, 2002, setting a three (3) month period for response (hereinafter also referred to as the "Office Action"). A Notice of Appeal and a Petition to extend the time for response for a period of three (3) months was filed on October 29, 2002. Applicants now respectfully request entry and consideration of the following amendment being submitted in accordance with 37 CFR 1.129(a).

**IN THE CLAIMS:**

- Please cancel claims 1-12 without prejudice to or disclaimer of their subject matter.
- Please add the following new claims:

17. (new) A method for the treatment of type II diabetes in a human or non-human mammal which comprises administering an effective, non-toxic amount of a compound which is selected from 5-(4-[2-(N-methyl-N-(2-